



Docket No.: 4468-017

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

KIMURA, EIJI

: Confirmation No.9531

U.S. Patent Application No. 09/877,202

: Group Art Unit: 2877

Filed: June 11, 2001

: Examiner: TU T. NGUYEN

For: OPTICAL CHARACTERISTICS MEASURING APPARATUS, METHOD AND RECORDING MEDIUM

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By Official Action mailed February 26, 2004 restriction to one of the following inventions is required under 35 USC 121:

Species I: Figure #2 directed to a first embodiment.

Species II: Figure #4 directed to a second embodiment.

Species III: Figure #5 directed to a third embodiment.

In response, Applicants hereby elect Species I (Figure #2), upon which claims 1, 5, 7, 8, 13, 16, 17, 22, 25 and 26 are readable for examination in this case.

The non-elected claims are hereby cancelled and will be filed in two separate divisional applications.

Early examination on the merits is courteously solicited.

Application No 09/877,202

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

Benjamin J. Hauptman
Registration No. 29,310

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 BJH/jk
Facsimile: (703) 518-5499
Date: March 23, 2004